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ABSTRACT

Utilizing guidelines provided by the United States Department of Justice and the Federal Government, the Utah Advisory Committee concludes in this report that all five criminal justice agencies it investigated in Salt Lake City and County are deficient in providing equal employment opportunity for women and minorities. Findings, recorded in tables and charts, indicate that: (1) in general, women and minorities are in low level positions; (2) no blacks or Native Americans were employed at any level in the court systems; (3) employees of the five criminal justice agencies demonstrated little awareness of the concept of equal employment opportunity; and (4) a recent reorganization of the city personnel system has initiated some actions to rectify the situation. Recommendations are made with regard to how the State legislature, the Federal government, and local administrative bodies can act to encourage implementation of a more effective affirmative action program. (WI)

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Affirmative Action in Salt Lake's Criminal Justice Agencies

—A report prepared by the Utah Advisory Committee to the U.S. Commission on Civil Rights

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Letter of Transmittal

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U.S. COMMISSION ON CIVIL RIGHTS
June 1978

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Dear People:

The Utah Advisory Committee, pursuant to its responsibility to advise the Commission on civil rights problems in this State, submits this report on affirmative action in Salt Lake City's and County's criminal justice agencies.

Through its investigation, the Advisory Committee concludes that all of the five criminal justice agencies it investigated in Salt Lake City and County are deficient in providing equal employment opportunity for minorities and women. In those agencies studied, affirmative action is not working on a consistent or on a widely communicated basis.

The purpose of the Utah study was to review the affirmative action efforts of the five criminal justice agencies in Salt Lake City and County which receive Law Enforcement Assistance Administration (LEAA) funds: the Salt Lake City police department, the Salt Lake City courts, the Salt Lake County sheriff's department, the Salt Lake County attorney, and the Salt Lake County court services department. The staff of the Commission's Rocky Mountain Regional Office interviewed over 50 employees of the various criminal justice agencies between September 1976 and January 1977 and in February 1978. The Advisory Committee members conducted interviews with representatives of community agencies and examined the criminal justice agencies' past affirmative action efforts. They also gauged how these efforts have been perceived by the community and agencies they serve. Both RMRO staff and Advisory Committee members administered an employment questionnaire to as many as 50 employees from each of the five agencies. Prepared and analyzed by Cecilia Furr, a statistician in Salt Lake City, the results of the survey showed that the agencies under study had no outreach or recruitment programs, demonstrated no strong commitment to affirmative action, used no consistent examination processes when hiring, and only coincidentally applied selection and appointment processes.

Recommendations made by the Advisory Committee were that the Utah State Legislature revise the present personnel system to create a uniform merit system applicable to all of the agencies under study. A vital part of this uniform system should be an accurate statistical analysis of the ethnicity, race, and sex of employees in order that officials might identify and eliminate any possible disparate treatment of or effect upon minorities and women in employment. It was recommended that goals and timetables be set for review of employment and promotion procedures of these agencies and that compliance with Federal equal employment opportunity guidelines be the condition of receipt of further funds. It was strongly felt that a program of education on the city and county levels which would guarantee that all employees

are informed of their rights under the laws of equal employment opportunity should be carried out by the city and county equal employment opportunity offices in coordination with the Utah Council on Criminal Justice and the LEAA.

We urge you to communicate our concern to the LEAA asking that the agencies herein studied are in compliance with the law.

Respectfully,

ALBERTA HENRY
Chairperson

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Final production of the report was the responsibility of Deborah Harrison, Vivian Hauser, Rita Higgins, Audree Holton, and Vivian Washington, supervised by Bobby Wortman, Publications Support Center, Office of Management.

Contents

1. Background 1
2. Demographic Overview 4
3. Equal Employment Opportunity 5
The Concept
An Affirmative Action Program
State and Federal Laws Prohibiting Employment Discrimination in Utah
4. Salt Lake City Corporation: The Police Department and The Courts 9
The Police Department
The Utah Intergovernmental Personnel Agency
The Salt Lake City Courts
5. Salt Lake County: Sheriff's Department, Court Services, and County Attorney 15
Sheriff's Department
Court Services
Salt Lake County Attorney's Office
The Comprehensive Employment and Training Act
6. Affirmative Action Plans: The City and County 20
7. Conclusions, Findings, and Recommendations 21
Appendices
A. Letter from Salt Lake County Sheriff 24
B. Letter from Salt Lake County Attorney 27
Tables
1. Employees of Salt Lake County, County Regulatory and Legal Services, and of Salt Lake City 2
2. Results of Written Examination, 1976, Salt Lake City Police Department 12
3. Salt Lake City Court Personnel, 1976 12
4. Employees of Salt Lake County, August 1977 16
5. Salt Lake County Sheriff's Department, Job Categories by Sex and Race, 1976 16
6. Salt Lake County Sheriff's Office, Job Categories by Sex and Race, 1978 18
7. Employees in County Court Services Department, 1975 18

1. Background

During the latter part of 1976, the Utah Advisory Committee to the U.S. Commission on Civil Rights invited members of the Salt Lake community to present ideas and concerns about problems involving minorities and women. Contributors to the discussion were unanimous in their feelings that there was discrimination in employment, education, and housing against minorities and women in the Salt Lake area. Levi Mesteth, a representative of the Utah Native American Consortium, expressed the view that discrimination against Indian people in employment is especially blatant.[1] James Dooley, the affirmative action officer for Salt Lake County, pointed out that the underrepresentation of minorities in the Salt Lake City police department and the county sheriff's department was a particular concern.[2] David Torres, then equal employment opportunity (EEO) officer for the city, pointed out to the Advisory Committee that the ever-increasing number of women who come into contact with the criminal justice system heightens the need for more female police officers and jail matrons. Torres stated:

> We need more minorities and women at criminal justice agencies in this State because these two groups, especially, need to know that there is someone within the system who will listen....[3]

Claudia Dissel, the current EEO officer for the Salt Lake City personnel department, has since pointed out that, while the number of women and minorities working for the city has increased since 1976, problems with hiring and promotion practices still exist.[4] Women are still clustered in clerical jobs while minorities are clustered in unskilled labor areas. She further pointed out that 95 percent of the city's top management officials are male, with no minorities in top administrative positions.[5]

Other community leaders felt strongly about their perceptions of the unequal employment opportunities for minorities and women throughout the criminal justice system of Salt Lake and their underrepresentation on agency staffs.[6]

This report is based on an investigation conducted by the Utah Advisory Committee as a direct result of the allegations made by members of the Salt Lake community regarding race and sex bias in the hiring practices of criminal justice agencies in the city and county. The Advisory Committee found what appeared to be a low level of employment opportunities for minorities and women in the Salt Lake City and County agencies. As of January 1977, 196 or 4.8 percent of 4,080 county employees were minorities, compared with 6.0 percent of the county civilian labor force. Blacks represented 0.9 percent of the county work force, Native Americans 0.4 percent, Asian Americans 0.6 percent, and Hispanics 3.0 percent. Women, 39.3 percent of the labor force, held 1,279 or 31.3 percent of the county positions.[7] In the regulatory and legal services agencies, which are the focus of this report, there were only 34 women, representing 5.0 percent of the work force. Of the 683 employees in those agencies, 3.0 percent were minority. One was black, 3 were Native American, 1 was Asian American, and 16 were Hispanic.[8] (See table 1.) In Salt Lake City, 122 or 6.4 percent of the 1,911 municipal employees were minorities, although they comprise 8.1 percent of the city civilian labor force. Thirty-four, or 1.8 percent of the city employees, were black, compared with 1.3 percent of the labor force; 75 or 3.9 percent were Hispanic, against 5.2 percent in the labor force; 6 or 0.3 percent were Asian American, compared with 1.1 percent in the labor force; and 7 or 0.4 percent were Native American, the same percentage as in the labor force. Only 232, or 12.1 percent, of the city employees were women, as against 42.9 percent of the civilian labor force.[9] (See table 1.)

Utah has over 400 criminal justice agencies, including those in counties and municipalities throughout the State. The Advisory Committee was specifically concerned with those agencies receiving Federal funds from the Law Enforcement Assistance Administration (LEAA) because

TABLE 1

Employees of Salt Lake County, County Regulatory and Legal Services, and of Salt Lake City

Total	Male	Female	Black	Hispanic	Native American	Asian American	Percentage Minority
Salt Lake County 4,080	2,801 (68.7%)	1,279 (31.3%)	35 (0.9%)	121 (3.0%)	15 (0.4%)	25 (0.6%)	4.8*
County Regulatory and Legal Services 683	649 (95%)	34 (5%)	1 (0.1%)	16 (2.3%)	3 (0.4%)	1 (0.1%)	3.0*
Salt Lake City 1,911	1,679 (57.9%)	232 (12.1%)	34 (1.8%)	75 (3.9%)	7 (0.4%)	6 (0.3%)	6.4

*Total percentage differs from that of individual minority groups due to rounding.

Source: Salt Lake County Personnel Department, January 1975 and Jan. 24, 1977.

these agencies are bound by law to promote equal employment opportunity.[10] Hence, the Advisory Committee chose to review the only five criminal justice agencies in Salt Lake City and County that receive LEAA funds. Agencies included in the study are: the Salt Lake City Police Department, the Salt Lake City Courts, the Salt Lake County Sheriff's Department, the Salt Lake County Attorney's Office, and the Salt Lake County Court Services Department.

The staff of the Rocky Mountain Regional Office (RMRO) of the U.S. Commission on Civil Rights interviewed 48 employees of the various criminal justice agencies between September 1976 and January 1977. Since a number of changes had taken place in the Salt Lake personnel departments, additional statistics obtained through interviews and correspondence in January and February 1978 served to update this report.

During the course of the 1978 investigation, employees of the Salt Lake City personnel department, the Salt Lake City courts system, the county personnel department, the county sheriff's department, the county attorney's office, and the Salt Lake County court services department were interviewed by RMRO staff. The Advisory Committee members conducted interviews with representatives of community agencies and examined the criminal justice agencies' past affirmative action efforts. They also gauged how these efforts have been perceived by the community and agencies they service.[11]

In June 1977, both RMRO staff and Advisory Committee members administered an employment questionnaire to as many as 50 employees from each of the five agencies. The results of the questionnaire and the followup questions will be found throughout the report. Prepared and analyzed by Cecilia Furr, a statistician in Salt Lake City, the questionnaire results are on file with the RMRO in Denver and the U.S. Commission on Civil Rights in Washington, D.C.

Notes

1. Letter to the Utah Advisory Committee, June 9, 1975.

2. Written statement to the Utah Advisory Committee, Oct. 13, 1976.

3. Interview in Salt Lake City, Oct. 13, 1976.

4. Interview in Salt Lake City, Feb. 22, 1978 (hereafter cited as Dissel interview).

5. Ibid.

6. Karen Hashimoto, Utah State Equal Employment Opportunity (EEO) Office, interview in Salt Lake City, Oct. 13, 1976; Donald Cope, Black Ombudsman for the State of Utah, interview in Salt Lake City, Oct. 13, 1976; John Medina, Chicano Ombudsman, interview in Salt Lake City, Oct. 3, 1976.

7. Information submitted by the Salt Lake County Personnel Department, Jan. 24, 1977.

8. Salt Lake County Job Classification Profile, Salt Lake County Personnel Department, January 1975.

9. Ibid.

10. Jack Quintana, Utah State EEO Coordinator, letter to Gene Roberts, Utah Council on Criminal Justice, Jan. 12, 1976.

11. To ensure objectivity, one member of the Advisory Committee who was employed by a criminal justice agency did not participate in the investigation.

2. Demographic Overview

Based on 1970 Bureau of the Census statistics, of Utah's 1,059,273 persons, racial and ethnic minorities comprise 6.5 percent of the population. Blacks make up 0.6 percent of the population, whereas American Indians are 1.1 percent, Asian Americans 0.7 percent, and Hispanics 4.1 percent. Utah's population is highly urbanized and its geography largely rural. The Wasatch Front, which includes the Greater Salt Lake area, Provo, and from Ogden through Logan, contains the bulk of Utah's population, and it is also within this area that most of the minorities are located.[1] However, the highest concentrations of Native Americans are found in the southeastern portions of the State near the Navajo and Ute reservations.[2] The male and female population proportions are 49 percent and 51 percent, respectively. Well over 60 percent of the total labor force is located within the Salt Lake and Ogden areas. Close to 90 percent of the total labor force is found within the larger area from Logan through Provo. Minorities comprise 8.1 percent and females 42.9 percent of Salt Lake City's civilian labor force, defined as those males and females 16 years and over seeking work or who are currently employed. Minority females comprise 5.7 percent of the female work force, but represent 13.5 percent of the unemployed females. The unemployment rate for the general population of Utah fluctuated between 6 and 7 percent during the year.[3] The unemployment rate for blacks is 10.8 percent, for Native Americans 17.1 percent, for Asian Americans 6.0 percent. Hispanics are unemployed at a rate of 10.8 percent.[4]

Notes

1. Cecilia Furr, *Status of Equal Employment Opportunity and Affirmative Action in Five Criminal Justice Agencies in Salt Lake County, Utah*, submitted to U.S. Commission on Civil Rights, Washington, D.C., September 1977.

2. Ibid.

3. Ibid.

4. State of Utah, Department of Employment Security, Job Service Center, 1976.

3. Equal Employment Opportunity

The Concept

Many people in the United States suffer the effects of past and present employment discrimination and as a result either cannot gain employment or work at jobs that fail to utilize their full potential. Many employers deny these persons positions because of barriers raised by race, color, religion, sex, national origin, age, or handicap. The concept of equal employment opportunity—mandated by Federal, State, and local legislation, Presidential Executive orders, and definitive court decisions—is designed to remove these barriers prohibiting full exercise of employment opportunity for all people and especially minorities and women.

According to the U.S. Equal Employment Opportunity Commission (EEOC), "many discriminatory practices of the past remain so deeply embedded in basic institutions of society that these practices continue to have extremely unequal effect on certain groups in our population even when the employer has no conscious intent to discriminate."[1] Hence, there remains a continual need to communicate to the employer why equal employment opportunity and affirmative action must be instituted.

Affirmative action program guidelines have been designed by the Federal Government to assure that employers have a commitment to equal employment opportunity and develop a long range plan of action which assures that discriminatory employment barriers are removed. The necessity for such affirmative action programs and plans has been firmly established by the courts.[2]

An Affirmative Action Program

The major objective of an affirmative action program is "recognition and removal" of employment barriers and the "identification of persons unfairly excluded or held back and action enabling them to compete for jobs on an equal basis."[3] Such a program assists organizations that have "overlooked, screened out or underutilized the great reservoir of untapped human resources and skills among women and minority groups."[4] The most important measure of an affirmative action program is its results. The essence of a viable program should be to:

- Establish strong [agency] policy and commitment.
- Assign responsibility and authority for programs to top [agency] official.
- Analyze present work force to identify jobs, departments, and units where minorities and females are underutilized.
- Set specific, measurable, attainable hiring and promotion goals, with target dates, in each area of underutilization.
- Make every manager and supervisor responsible and accountable for helping to meet these goals.
- Re-evaluate job descriptions and hiring criteria to assure that they reflect actual job needs.
- Find minorities and females who qualify or can become qualified to fill goals.
- Review and revise all employment procedures to assure that they do not have discriminatory effect and that they help attain goals.
- Focus on getting minorities and females into upward mobility and relevant training pipelines [to which] they have not had previous access.
- Develop systems to monitor and measure progress regularly. If results are not satisfactory to meet goals, find out why, and make necessary changes.[5]

All of these elements, when put in written, publishable form, become the employer's affirmative action plan, which is monitored by an assigned Federal compliance agency. This agency is bound to assure compliance with Federal and State equal employment opportunity laws.

State and Federal Laws Prohibiting Employment Discrimination in Utah

The Utah Anti-Discriminatory Act makes it illegal for an employer to refuse to hire, discharge, promote, demote, or discriminate in matters of compensation because of race, color, sex, religion, ancestry, or national origin.[6] This act allows any person who feels aggrieved by an unfair employment practice to file a complaint with the Utah Industrial Commission. The Anti-Discriminatory Act is applicable to the State of Utah, its political subdivisions, and private employers with 25 or more employees. Religious organizations are excepted. The Utah Industrial Commission has adopted rules specifying that governmental contractors failing to comply with anti-discrimination laws may have their contracts cancelled, terminated, or suspended by the commission.[7]

In 1965, the Governor issued the "Code of Fair Practices by State Agencies." The code prohibits State agencies from discriminating in the recruitment, appointment, assignment, promotion, and discharge of employees on the basis of race, color, religious creed, ancestry, national origin, or sex. It directs all Utah agencies to adopt and implement affirmatively "a clear, written policy of non-discrimination and fair practices." The code also requires that political subdivisions, schools, and other governmental bodies of the State cooperate to end discrimination.[8]

On the Federal level, the several laws, Executive orders, and rules and regulations prohibiting discrimination in employment and federally-assisted programs include Title VI of the 1964 Civil Rights Act,[9] the State and Local Fiscal Assistance Act of 1972[10] (commonly known as the Revenue Sharing Act), the Age Discrimination in Employment Act of 1975,[11] and Title VII of the 1964 Civil Rights Act.[12] In addition, two Executive orders[13] have been issued prohibiting discrimination by government contractors. The Department of Labor has promulgated regulations (Revised Order No. 4)[14] through the Office of Federal Contract Compliance Programs (OFCCP) that specify affirmative action requirements of government contractors. In the area of law enforcement agencies, the U.S. Department of Justice (DOJ) has power under the Omnibus Crime Control and Safe Streets Act of 1968[15] to ensure that recipients of Federal funds do not discriminate against women and minorities. The DOJ has drafted three sets of regulations directing the LEAA to monitor the hiring and promotion practices of recipients of LEAA funds and to enforce equal employment opportunity laws.[16]

Shortly after the passage of the 1964 Civil Rights Act, President Johnson issued Executive Order 11246 and 11375 to prohibit discrimination against minorities and women by government contractors. The regulations of the OFCCP implement the Executive orders and specify affirmative action requirements for achieving equal job opportunity for Federal contractors outside the construction industry.

All government contractors or subcontractors with 50 or more employees and contracts of $50,000 or more must develop written affirmative action plans in order to ensure equal employment opportunity for all applicants.[17] A contractor who fails to develop such a plan can be declared nonresponsible, and the Federal contract compliance agency can issue a notice asking the contractor to show cause why proceedings should not be instituted against it to enforce Federal requirements.[18]

The Federal Government has also enacted two statutes dealing specifically with discrimination by State and local agencies and by criminal justice departments. All State and local units of government that receive funds under the State and Local Fiscal Assistance Act of 1972 are obliged to ensure that programs and activities funded by such monies, in whole or in part, do not discriminate on the basis of race, color, national origin, or sex. The nondiscrimination provisions also apply to secondary recipients, including private organizations receiving revenue sharing funds from the primary recipient.[19]

According to the Department of the Treasury,[20] it is unlawful for a municipality using Federal revenue funds to purchase, for example, police cars, gasoline, or flashlights for its police to discriminate in the hiring, testing, and promoting of minorities in its police force. Additionally, it is presumed that an employer's work force will reflect generally the minority and female composition of the population in the area from which the employees are selected. When an agency finds that

its work force does not reflect the population, it should act affirmatively to correct the imbalance through active recruiting and the implementation of an affirmative action plan to hire minorities and women.[21]

The Federal law most directly affecting equal employment opportunities in law enforcement agencies is the Omnibus Crime Control and Safe Streets Act of 1968. Pursuant to the act, the DOJ has issued guidelines that State and local law enforcement agencies must follow to qualify for financial assistance from LEAA.

Recipients of LEAA funds (including State and local police, criminal courts, and similar crime reduction agencies employing 50 people and receiving $25,000 in funds since 1968) must implement an equal employment opportunity (affirmative action) program for minorities and women if their service population has a minority representation of 3 percent or more.[22]

Each program must include job classification tables, past disciplinary actions taken against employees, applications, promotions, terminations accepted and acted upon, area labor force statistics, and a detailed analysis of programs classified by race, sex, and national origin. The program is to be disseminated to the general public.[23] All equal employment opportunity program records must be available for review by LEAA or the State planning agency which certifies that EEO programs have been implemented.[24]

Recipient agencies must continually review their employment policies to ensure equal employment opportunities for minorities and women. LEAA is required to make postaward compliance reviews of those agencies that have a significant disparity between the percentage of minorities in the service population and the percentage of minority employees. LEAA defines a significant disparity as present whenever "the percentage of a minority group in the employment of the agency is not at least 70 percent of the percentage of that minority in the service population."[25] Failure to comply with the guidelines subjects recipients to sanctions, including a termination of funds, as defined in the Safe Streets Act and the equal employment opportunity regulations of the DOJ.[26]

The Utah Council on Criminal Justice (UCCJ) is the State agency responsible for the distribution of funds granted to LEAA recipients and, in this capacity, must secure written certification attesting to the fact that the potential recipient has formulated an equal employment opportunity program. Gene Roberts, EEO officer for the UCCJ, told RMRO staff that certificates in which the recipients state that they have an affirmative action plan are subject to audit by his office. He said that all five agencies included in this study have signed certificates on file in his office.[27]

Notes

1. U.S., Equal Employment Opportunity Commission, *Affirmative Action and Equal Employment* (January 1974), p. 1 (hereafter cited as *Affirmative Action and Equal Employment*).

2. Ibid.

3. Ibid.

4. Ibid.

5. Ibid., p. 3.

6. Utah Code Ann. §34–35–1 et seq.

7. Rules Governing Nondiscrimination Clause in State Contracts, Utah Industrial Commission Order No. 022, June 9, 1965.

8. Governor's Code of Fair Practices by State Agencies, Oct. 1, 1965.

9. 42 U.S.C. §2000d.

10. 31 U.S.C. §1242.

11. 42 U.S.C. §6101.

12. 42 U.S.C. §2000e.

13. Executive Order No. 11246, 3 C.F.R., 1964–1965 Comp., p. 399; Executive Order No. 11375, 3 C.F.R., 1966–1970, Comp., p. 684.

14. 41 C.F.R. §60–2.

15. Pub. L. 90–351.

16. 28 C.F.R. §42.301 et seq.; 39 Fed. Reg. 6415; and 39 Fed. Reg. 32159.

17. 41 C.F.R. §60–2.1.

18. 41 C.F.R. §60–2.2.

19. 31 C.F.R. §51.51e.

20. Office of Revenue Sharing, "General Revenue Sharing and Civil Rights" (Nov. 18, 1974).

21. 31 C.F.R. §51.52(b)(4).

22. 28 C.F.R. §42.302(d). For correctional institutions the "service population" is defined as the inmate population [§42.302(f)(1)]. For all other agencies the "service population" is defined as the State population for State agencies, county for county agencies, and municipal for municipal agencies [§42.302(f)(2)].

23. 28 C.F.R. §42.304.

24. 28 C.F.R. §42.305.

25. 28 C.F.R. §42.306.

26. 42 U.S.C. §3757 and 28 C.F.R. §42.206.

27. Interview in Salt Lake City, Oct. 13, 1976.

4. Salt Lake City Corporation: The Police Department and The Courts

Both the Salt Lake City courts and the police department are part of the Salt Lake City Corporation and are required to abide by the EEO guidelines governing LEAA recipients and to comply with Federal and State statutes guaranteeing equal employment opportunity. In order to assess the employment status of minorities and women in the police department and courts, the organizational structure, the personnel and merit systems, and the affirmative action commitments of the Salt Lake City Corporation must be understood.

The Salt Lake City Corporation is governed by a five-member board of commissioners elected by the public for 4-year terms.[1] The mayor is one board member and has authority over one of five major divisions of city government as does each commissioner. Responsibilities are assigned by joint action of the board after each municipal election. One commissioner directs the department of public safety under which the police department operates, although the commissioners jointly share overall responsibility for law enforcement and officially appoint the chief of police. Operations of the personnel department fall under the finance commissioner.

Prior to July 1, 1978, city judges were independently elected municipal officials. However, their support staff were hired and supervised by a city commissioner and their budget approved by the full commission. As of July 1, 1978, by act of the State legislature, the city court system is abolished and a statewide circuit court system created. Under terms of the act, the city judges became elected State circuit court judges. However, the clerical support personnel for the circuit court continue to be municipal employees hired and supervised by a city commissioner and subject to the rules and regulations of the city personnel department.[2]

The board of commissioners also has responsibility under Utah State law to appoint a three-member civil service commission. The civil service commissioners are appointed for 6 years, with the term of office of one member expiring on June 30 of each even-numbered year.[3]

Among its varied responsibilities, of particular importance to this report is the civil service commission's responsibility for testing procedures used with candidates for the Salt Lake City police department. In addition to monitoring testing procedures, the civil service commission provides a list of eligible candidates to selection authorities. According to Utah law:

- The head of each of the police and fire departments of cities of the first and second class...by and with the advice and consent of the board of city commissioners, and subject to the rules and regulations of the civil service commission, appoint from the classified civil service list furnished by the civil service commission all subordinate officers, employees, members or agents in his department, and in like manner fill all vacancies in the same.[4]

Essentially, the civil service commission is responsible for the eligibility certificates of candidates for the police and fire departments. Once the testing by the commission and the grading sequence is completed, the chiefs of the police and fire departments are given a list of certified eligibles from which they must hire from among the top three people.

Both the fire and police departments in the Salt Lake City Corporation operate under the civil service commission. The commission is responsible for all rules and regulations under which these departments operate.[5] Other departments of the city are controlled by the career service ordinance and governed by a three-member personnel board appointed by the mayor and confirmed by the board of city commissioners for 3-year terms.[6] The personnel board serves as a quasi-judicial authority for the career service and handles appeals on matters pertaining to examinations and registers, in addition to violations of personnel rules and regulations. Complaints of discrimination and investigations of grievances are the purview of the person-

nel board. It counsels the mayor and reports directly to him and to the board of city commissioners. The board also makes timely reports about the state of the corporation and administers the provisions of the career service ordinance and its rules and regulations.[7]

The Salt Lake City Personnel Director processes candidates seeking employment with the police and fire departments.[8] Former City Personnel Director Lynn Marsh stated that until 1974 the Salt Lake City Civil Service Commission was independent of the personnel office.[9] In 1975, the two departments' administrative responsibilities were combined so that the city personnel director now works with both agencies. Marsh explained that the personnel director, in conjunction with a civil service coordinator and a personnel advisory committee, gives notification of position vacancies and accepts applications. Robert T. Mullally, the present personnel director, stated that the civil service commission, established by State law, has power equal to that of the city commission in terms of hiring and disciplinary action.[10]

The personnel director is responsible for preparing registers of job candidates and for determining their qualifications. Career service regulations state:

> After examination, the City Personnel Director shall prepare the register in three parts, being "outstanding, well qualified and qualified," beginning with the highest qualified person in each category. The final rating given each individual shall be his final rating throughout the life of the register.[11]

In further clarifying this procedure, Marsh explained that Utah State law has established three merit systems. The personnel department, fire department, and police department each has a separate merit system. It was his opinion that State law should be changed to accommodate one merit system applicable to all city agencies as well as to the county.[12]

The Police Department

As of 1976 the personnel strength of the Salt Lake City police department fluctuated from 400 to 500 persons. According to then Chief Dewey Fillis, in 1976 the department employed 431 persons, of whom 86 were clerical. The overwhelming majority of these were women clerks.[13] The Utah Advisory Committee was specifically interested in the employment procedures for police officers, since they have more frequent contact with the minority community than other members of the department. Further, it appeared that recruiting campaigns to hire minorities in the past have been, for the most part, unsuccessful.[14]

Statistics provided by then City EEO Officer David Torres on police officers in the Salt Lake City police department showed that out of 247 officers, there were 3 blacks, 7 to 9 Hispanics, 2 Asian Americans, and 7 women (none of whom was minority).[15] Chief Fillis said he felt there was a disparity in the number of black police officers in the department compared with Hispanic officers.[16]

Based on information from Lynn Marsh,[17] the levels and numbers of police personnel were: chief, 1; assistant chiefs, 3; captains, 10; supervisor, fire arms training, 1; lieutenants, 22; technicians, 7; sergeants, 50; corporals, 19; male police officers, 226; female police officers, 9; for a total of 348.

Of the 50 sergeants, 1 was an Hispanic male. The other minorities and women previously mentioned were all police officers. There were no women, minority or majority, in upper administrative positions in the department. Four women were hired as police officers in 1973. No Native Americans were employed anywhere in the department.[18] The statistics supplied to the Utah Advisory Committee on race, ethnicity, and sex composition in the police department were not consistent, so an accurate accounting of the numbers of minorities and women in the department was not initially possible.

As of November 1977, the police department employed 320 persons in the protective service—88 supervisory personnel (chief, sergeants, lieutenants, captains, and majors) and 232 patrol or police officers. No minorities or women are in supervisory positions. The 12 minority persons who are listed as patrol officers are not classified by race or ethnicity. Twelve female patrol officers, all white, have been hired since 1964.[19] E.L. Willoughby, new police chief, agreed that there is a disparity in the number of black officers in the department. He stated that this could be corrected if the civil service commission would allow the concept of continual testing. This would give selecting

officials authority to choose minorities from a list of eligibles more readily and frequently than is now possible under a system that does not permit new applicants until the list of eligibles is depleted. It is conceivable that minorities would appear on eligibility lists that are frequently updated.[20]

After application is made for a position with the Salt Lake City police department, applicants are notified of the date of the written test, provided they are over 21 years of age. Once the applicant has achieved the first selection standard—i.e., an acceptable score on the test—the selection sequence is: a physical performance test along with testing of hearing and vision, an oral interview, candidate ranking, a medical examination, and an entry-level position offer.[21] Federal and State EEO guidelines view selection standards as potential discriminatory disqualifying factors. Therefore, any area of inquiry or factor that could lead to the elimination of a candidate from the selection process must comply with guideline requirements that such a factor be job related. These factors include written tests, performance tests, interviews, application reviews, and minimum qualifications such as proportionate height and weight, age, and education.[22]

In the past, an entry-level written examination was given based on aptitude and high school equivalency, but due to adverse impact on minorities this test is no longer administered.[23] Tests for clerical positions within the police department are conducted by the Job Service Center, Utah Department of Employment Security. Lynn Marsh stated that a larger proportion of minorities who take the written examination for the position of police officer failed than did whites. He suggested that part of the reason for their failure is lack of test-taking skills.[24] Ex-Chief Fillis indicated that, since relatively few minorities take the test due to their lack of interest in becoming police officers, one cannot develop a clear-cut reason for their lack of success.[25] Police Commissioner Glenn Greener told RMRO staff that he believed the tests are culturally biased and suggested this might be a reason why minorities do not do well.[26] Chief Willoughby stated that continual testing would allow minorities who failed the test to prepare themselves for retesting and possible success.[27]

Statistics gathered on the results of the written examination (the examination was determined to be culturally valid by the Selection Consulting Center in Sacramento, California)[28] for the position of police officer show that, of those women taking the validated tests, white females do better than white males, minority males, and minority females. Minority females do better on the test than minority males. (See table 2.)

Since proportionally fewer minority males do as well in the written tests as white males and females, they are hired by the police department less frequently than other groups. White females (who present far fewer candidates for the written examination than white males) have a 76 percent passage rate, compared with a 60 percent rate for white males. On the other hand, only 38 percent of minority women and 30 percent of the minority males who take the examinations are successful.

The purpose of other testing used by the police department is to assist in determining job promotions. This test, according to Jim Christiansen, psychometrist for Salt Lake County personnel, has not been validated, although a job analysis was completed in the fall of 1976.[29]

The Utah Intergovernmental Personnel Agency

The Utah Intergovernmental Personnel Agency (UIPA) was established by the Intergovernmental Personnel Act of 1970. Under the act's funding, the UIPA offers technical assistance to State and local governments for recruiting and examining potential employees, and training for State and local officials. It conducts the testing for entry-level office jobs in Federal, State, or local government in Utah.[30]

The decision of the U.S. Supreme Court in *Griggs v. Duke Power*,[31] which found that an employer may have to prove that job applicant tests either do not have a discriminatory effect or are directly related to the requirements of a position, provided an incentive for the Salt Lake City police department to enter into a contract with UIPA. The contract called for the UIPA to give technical assistance to the department in analyzing its entry-level selection process. The analysis, conducted by the Selection Consulting Center, resulted in the validation of the police department's entry-level written test.

TABLE 2

Results of Written Examination, 1976, Salt Lake City Police Department

	Took exam	Passed exam	Percentage who passed
Total	315	188	59.7
Male	265	153	57.7
Female	50	35	70.0
Whites, total	284	178	62.7
Male	242	146	60.3
Female	42	32	76.2
Minorities, total*	31	10	32.3
Male	23	7	30.4
Female	8	3	37.5
Females, total	50	35	70.0
White	42	32	76.2
Minority	8	3	37.5

*Breakdown by racial and ethnic groups not available.

Source: David Torres, Salt Lake City Police Department EEO Office, interview in Salt Lake City, Oct. 13, 1976.

TABLE 3

Salt Lake City Court Personnel

	Total	Women	Black	Hispanic	Native Amer.	Asian Amer.
Judges	5	0	0	0	0	1
Administrative	9	7	0	1	0	0
Clerk's office	13	9	0	1	0	0
Traffic violations	39	34	0	1	0	0
Totals	66	50	0	3	0	1

Source: Salt Lake City Personnel Department.

The Salt Lake City Courts

The Salt Lake City courts are responsible for interpreting and administering legal judgments that affect the lives of a cross section of people, many of whom are minorities and women. Thus, the Utah Advisory Committee was interested in discerning if minorities and women are employed in positions where they can assist in making the decisions that ultimately affect them.

According to 1976 statistics, no blacks or Native Americans were among the 66 staff persons employed by the Salt Lake City courts and traffic violations bureau. The one Asian American employee was an appointed judge. Hispanics statistically constitute the largest minority labor force (5.2 percent of the total) in Salt Lake City, yet they are not represented at the judge level. Three Hispanics were employed by the courts. Although women held more than half of the available positions in the Salt Lake City courts, they have been relegated to the lower paying, nondecisionmaking positions. Of the 50 women employed, 34 were traffic violations bureau clerks. Weldon Nichols, assistant director of traffic violations, told staff investigators that one of his employees was an Hispanic woman. (See table 3.)[32]

Updated statistics provided by the city personnel department in February 1978 show that of the 30 full-time employees of the courts system, 19 are female (63 percent) and 11 male (37 percent). Ten of the males are white (91 percent) and one black (9 percent). All of the females are white and are in office-clerical positions. The black employee is classified as a paraprofessional or planning aide.[33] Of the 26 employees of the traffic violations bureau, 25 are female (96 percent) and 1 male (4 percent). Twenty-three of the female employees are white (92 percent) and 2 Hispanic (8 percent). The one male, a white, is classified as an administrator, and the 25 females are in office-clerical positions.

Regarding the State merit systems, Grant Jensen, then clerk for the Salt Lake City courts, stated, "When I have a position to fill, I send a request to the personnel department and receive a list of qualified candidates."[34] He said that he was not bound by obligation to hire the person with the highest score and did not have to justify passing over an applicant referred to him. The merit system requires only that one of the top three candidates be selected. He further stated that additional criteria for hiring were the applicant's personality, his own judgment in determining if "they'll blend in with other people," cleanliness, and appearance. Jensen also told the Commission staff that he did not want to hire anyone with a "chip on his shoulder."[35]

Notes

1. Utah Code Ann. §10–3–203.

2. 1977 Utah Laws, Ch. 77 §1.

3. Utah Code Ann. §10–3–1003.

4. Utah Code Ann. §10–3–1001.

5. Ibid.

6. Utah Code Ann. §10–3–1006.

7. Salt Lake City Corporation, *Affirmative Action Program* (January 1977), Section IX.

8. Ibid.

9. Interview in Salt Lake City, Jan. 27, 1977 (hereafter cited as Marsh interview). Personnel director for Salt Lake City for 9 years, Marsh resigned Mar. 16, 1977.

10. Interview in Salt Lake City, Feb. 22, 1978.

11. Salt Lake City, Civil Service Commission, *Career Service Rules and Regulations.*

12. Marsh interview.

13. Interview in Salt Lake City, Nov. 6, 1976 (hereafter cited as Fillis interview).

14. Ibid.

15. Interview in Salt Lake City, Oct. 13, 1976 (hereafter cited as Torres interview).

16. Fillis interview.

17. Marsh interview.

18. Ibid.

19. Dissel interview.

20. Interview in Salt Lake City, Feb. 22, 1978 (hereafter cited as Willoughby interview).

21. Salt Lake City Corporation, *Affirmative Action Program* (Jan. 27, 1977), p. 7.

22. Salt Lake City, *Career Service Rules and Regulations* (May 1972), pp. 4–10.

23. Marsh interview.

24. Ibid.

25. Fillis interview.

26. Interview in Salt Lake City, Nov. 4, 1976.

27. Willoughby interview.

28. *Utah Intergovernmental Personnel Agency Law Enforcement Section Project: Selection Standards Report* (August 1976).

29. Interview in Salt Lake City, Jan. 25, 1977.

30. Lyman Smart, director, Utah Intergovernmental Personnel Agency, interview in Salt Lake City, Jan. 25, 1977.

31. 401 U.S. 424.

32. Interview in Salt Lake City, Oct. 13, 1976.

33. Dissel interview.

34. Interview in Salt Lake City, Oct. 14, 1976.

35. Ibid.

5. Salt Lake County: Sheriff's Department, Court Services, and County Attorney

The Salt Lake County sheriff's department, along with the county court services and the county attorney's office, are subject to the directives of a board of county commissioners. Review of personnel policies is carried out by the county personnel department. Through competitive examinations, in accordance with the Salt Lake County merit system, the persons with the best demonstrated skills and abilities are hired for positions in the criminal justice agencies. Douglas Thomsen, director of the county merit system and director of personnel for Salt Lake County, pointed out that, as with the city, three merit systems are in operation at the county level: deputy sheriffs, firefighters, and other county employees.[1]

As of August 31, 1977, of 2,679 county employees, 172 or 6.4 percent were minorities, compared with 6.0 percent of the Salt Lake County labor force.[2] Women represented 848 (31.6 percent) of the total number of Salt Lake County employees, 1.0 percent of those being black, 0.4 percent Native American, 0.9 percent Asian American, and 3.9 percent Hispanic. (See table 4.) In February 1978, the three regulatory and legal services agencies, the focus of this report, employed 776 persons. Of that number 4.3 percent were minority. Four or 0.5 percent were black, 2 or 0.3 percent were Native American, 6 or 0.7 percent were Asian American, and 22 or 2.8 percent were Hispanic.[3]

Sheriff's Department

All deputy sheriffs in Salt Lake County are hired through the use of applications and competitive examinations. According to regulations, the process of announcing a job opening, administering the examination, and selecting an applicant is handled by the deputy sheriff's merit service commission, a group assigned to the department with the goal to promulgate equal employment opportunity. The commission administers the following examinations:

1. Office of Deputy

   a. Written exam and basic intelligence tests that relate to such matters as will fairly test the mental ability and knowledge of the applicants to discharge the duties of the position.

   b. Physical and agility tests.

   c. Oral interview with the commission.

2. Promotions: all officers who have served in-rank of not less than three years are eligible to take a competitive written examination; a minimum grade for all or any part of the examination is set by the Commission which determines failure or success of an applicant.[4]

Registers of eligible candidates are prepared and maintained by the commission for all openings and promotions for deputy sheriffs. The names of applicants or candidates are entered upon the respective registers in accordance with the rank achieved by their standing in the exam, oral interviews, merit rating, and seniority. When a deputy sheriff is to be appointed or a merit system officer is to be promoted in-rank to fill a vacancy then available, the commission certifies for the county personnel department and sheriff the names of the three applicants or candidates standing highest on the applicable register. The sheriff selects and fills the vacancy by appointing one of three persons so certified.[5]

Based on 1976 statistics supplied by the sheriff's office, the department employed 458 persons (see table 5). Of this number, 376 (82.1 percent) were male and 82 (17.9 percent) were female. Minorities represented 4.8 percent of the sheriff's department labor force, which is somewhat less than their proportion of the county's labor force (6.0 percent). There were no minorities in professional or administrative positions. Three of the 28 technicians were Hispanic. In the paraprofessional category, the sheriff's office employed 3 blacks, 1 Native American, 1 Asian American, and 12 Hispanics out of 300 workers. Blacks represented 0.7 percent of the sheriff's office total labor force and appeared in the work force in approximately the same proportion. Blacks, however, held only

TABLE 4

Employees of Salt Lake County, August 1977

	Male	Female	Total	Percent
White	1,722	785	2,507	93.6
Black	20	9	29	1.0
Native American	8	3	11	0.4
Asian American	12	11	23	0.9
Hispanic	66	39	105	3.9
Other	3	1	4	0.2
Total	1,831 (68.4%)	848 (31.6%)	2,679	100.0

Source: Office of Salt Lake County Attorney.

TABLE 5

Salt Lake County Sheriff's Department, Job Categories by Sex and Race

Job category	Total	Male	Female	Percent female	Totals by race W	B	NA	AA	H	Total minority	Percent minority
Administrators	2	2		0.0	2					0	0.0
Professionals	77	77		0.0	77					0	0.0
Technicians	31	11	20	64.5	28				3	3	9.7
Protective service											
Paraprofessionals	300	284	16	5.3	283	3	1	1	12	17	5.7
Office and clerical	46		46	100.0	45				1	1	2.2
Skilled craft											
Service and maintenance	2	2		0.0	1			1		1	50.0
Total	458	376	82	17.9	436	3	1	2	16	22	4.8

Race code: W—White
B—Black
NA—Native American
AA—Asian American
H—Hispanic

Source: Salt Lake County Sheriff's Department, "Salt Lake County Job Categories by Sex and Race," June 28, 1976.

paraprofessional positions with this agency, as did Native Americans. One other Asian American worked in service and maintenance in the sheriff's office. Hispanics accounted for 3.4 percent of the sheriff's work force and 4.2 percent of the county labor force. The 46 office and clerical positions were all filled by females who made up 18 percent of the sheriff's department total work force.[6]

According to February 1978 statistics, the sheriff's department now employs 475 full-time persons. Of this number, 387 (81.5 percent) are male and 88 (18.5 percent) are female. The department employs 18 minorities (3.8 percent), which is less than their proportion in the county's civilian labor force (6.0 percent). The sheriff's office employs full time 2 blacks (0.4 percent), 2 Native Americans (0.4 percent), 1 Asian American, and 13 Hispanics (2.8 percent). Only four or 1.4 percent of the deputy sheriffs are female, while minorities account for seven or only 2.4 percent. Of the 172 part-time personnel in the sheriff's office, 135 (78.5 percent) are male and 37 (21.5 percent) are female. Of that total, four are Hispanic (2.3 percent) and one is Native American (0.6 percent) for a total minority percentage of 2.9.[7] (See table 6.)

Sheriff Delmar Larson indicated in 1976 that his agency has had problems recruiting minorities. "Chicanos don't want to be deputy sheriffs. They are pressured by their peers not to enter this profession." "In addition," Sheriff Larson added, "we have trouble finding enough blacks to fill our positions." Since that time, the sheriff's department "has accelerated and expanded its recruiting efforts...."[8] (See appendix A for complete response.)

Court Services

As of March 5, 1975, the Salt Lake County court services department employed 42 persons, of whom 18 (43 percent) were female and 24 (57 percent) were male. According to information provided by this agency, two males and one female, all white, held top supervisory functions. (See table 7.)[9] Females were distributed throughout most job categories of the court services offices. However, they held the majority of the lower level positions, such as clerk-typist and stenographer. Though adequately represented in percentages, only one high-level position was filled by a black and none by Hispanics. No Asian Americans and Native Americans were employed by this agency.

Since November 30, 1977, the county court services has had 35 regular employees. Of that number, 27 (77.1 percent) are white, 2 (5.7 percent) are black, 1 (2.9 percent) is Native American, and 5 (14.3 percent) are Hispanic. The total percentage of minority employees in the county court services is 22.9. Females employed in that department total 17 or 48.6 percent. A Native American female holds a supervisory position. One black male and one Hispanic male hold counseling positions.[10]

Salt Lake County Attorney's Office

The county attorney's office, as of September 30, 1976, had 76 employees. The attorneys constituted 58 percent of the staff. Of the 40 full-time attorneys, the county attorney's office employed 2 females (5 percent) and 1 Asian American (2.5 percent). In addition, two out of the five full-time law clerks were female, and one of the four part-time law clerks was a woman. Blacks, Native Americans, and Hispanics were not employed in any capacity. In response to those facts, Ralph Crockett, EEO officer for the agency, explained that recruitment for attorneys and clerical staff is controlled by the personnel department through merit board procedures. He suggested that, while he feels there are no restrictions to employment based on sex, age, or race, the availability of qualified attorneys is ultimately dependent upon the admission practices of the two law schools in the State and admission practices of the State Bar of Utah.[11]

Since the beginning of 1977, the county attorney's office (see appendix B for complete response) has added 2 females to the staff of 50 full-time attorneys. As of February 1978, four or 8 percent of the attorneys are female. Of the 95 total employees, licensed attorneys constitute 52 percent of the staff. The county attorney's office employs one minority person, an Asian American attorney.[12]

The Comprehensive Employment and Training Act

The Comprehensive Employment and Training Act (CETA) was enacted by Congress to provide

TABLE 6

Salt Lake County Sheriff's Office, Job Categories By Sex and Race, 1978

Job Category	Total	Male	Female	Percent female	Totals by Race					Total minority	Percent minority
					W	B	NA	AA	H		
Sworn personnel (full time)	297 Deputies	293	4	1.4	286	0	0	1	6	7	2.4
Nonsworn personnel (full time)	178 Civilians	94	84	47.2	167	2	2	0	7	11	6.2
Total full time	475	387	88	18.5	453	2	2	1	13	18	3.8
Reserve deputies and crossing guards (part time)	172	135	37	21.5	130	0	1	0	4	5	2.9
Total labor force	647	522	125	19.3	583	2	3	1	17	23	3.6

Source: Delmar L. Larson, Sheriff's Office, Salt Lake County, Feb. 13, 1978.

TABLE 7

Employees in County Court Services Department

Position	Total	Male	Female	White	Black	Hispanic
Supervisory	3	2	1	3	0	0
17	2	2	0	1	1	0
15	9	7	2	9	0	0
13	7	5	2	7	0	0
11	16	7	9	12	2	2
9	3	1	2	2	0	1
7	2	0	2	1	1	0
Total	42 (100%)	24 (57%)	18 (43%)	35 (83%)	4 (9%)	3 (8%)

Source: Salt Lake County Personnel Department.

comprehensive manpower services throughout the Nation.[13] Signed into law in December 1973, the act provides training and employment opportunities for economically disadvantaged, unemployed, or underemployed persons and assures that training and other services lead to maximum employment opportunities. Working primarily with the Salt Lake County government and criminal justice agencies, the CETA program employee-trainees are the responsibility of the Utah State Job Service. Applicants, after completing the application process, are ranked by a point system and are placed on a register. The top three receive an interview with the agency director and the most eligible person is hired.

Minorities appear to be well represented in the CETA program, which employs 218 persons throughout the county. Of this number, 142 (65 percent) are male and 76 (35 percent) are female. Seventeen are Hispanics (7.8 percent), 16 black (7.3 percent), 1 Native American (0.5 percent), and 3 Asian American (1.4 percent). The other 83 percent are white.[14]

Notes

1. Interview in Salt Lake City, Jan. 24, 1977.

2. R. Paul Van Dam, Salt Lake County attorney, letter to RMRO, Feb. 9, 1978 (hereafter cited as Van Dam letter).

3. Ibid.

4. Salt Lake County, *Rules and Regulations: Deputy Sheriff's Merit Service Commission*, Mar. 9, 1972, pp. 5–21.

5. Ibid.

6. Salt Lake County Sheriff's Department, "Salt Lake County Job Categories by Sex and Race," June 28, 1976.

7. Delmar L. Larson, Salt Lake County sheriff, letter to RMRO, Feb. 10, 1978.

8. Ibid. and interview in Salt Lake City, Oct. 12, 1976.

9. Howard Lawrence, EEO officer, interview in Salt Lake City, October 1976; Salt Lake County, Department of Court Services, "General Policy Statement," Mar. 5, 1975.

10. David M. Bennett, director, Pretrial Services, Salt Lake County, Feb. 23, 1978.

11. Interview in Salt Lake City, Nov. 4, 1976.

12. Van Dam letter.

13. Pub. L. 93–203.

14. Colleen Branagan, staff member of CETA, interview in Salt Lake City, Jan. 26, 1977.

6. Affirmative Action Plans: The City and the County

In preparing this study, the Utah Advisory Committee was interested in determining the level of commitment to affirmative action existing on the part of the Boards of Commissioners of Salt Lake City and County. Investigation revealed that, although EEO directors have been appointed and affirmative action plans drafted, minorities seldom appeared on merit lists, that few took the employment application tests, and that many of those tested did not pass. With this information, the Advisory Committee looked closely at what was being done to change this situation. The Utah Advisory Committee requested a copy of the Salt Lake affirmative action plans (AAP) and examined their programs in the light of Federal guidelines specified by Revised Order No. 4 of the U.S. Department of Labor.[1] In addition, a review of the Salt Lake City and County AAPs, done by Patricia A. Sine, assistant director to the equal opportunity office of the University of Utah, was submitted to the Utah Advisory Committee on January 26, 1977. This review is on file at the RMRO in Denver, Colorado.

Sine found that the AAP for Salt Lake City was lacking in several ingredients required under Federal law. Those elements having an adverse impact on minorities and women were:

1. Lack of goals and timetables by organizational unit and job class.
2. No action program or any plan directed toward elimination of problems encountered in achieving goals and objectives for job placement and upward mobility of minorities and women.
3. No review of personnel policies and practices in compliance with sex discrimination guidelines.
4. No consideration to minorities and women not currently in the work force but recruitable.
5. Sexist language.[2]

In reviewing the AAP for the county court services and the county attorney's office, Sine felt that there were several weaknesses that should be addressed by these agencies. The county court services needed to:

1. Identify problem areas.
2. Identify programs designed to eliminate problems and to attain goals.
3. Review personnel policies and practices to ensure compliance with sex discrimination guidelines.
4. Maintain complete records having to do with minority and female applicants with hiring and recruiting documentation.
5. Draw conclusions from data concerning interviews and hiring records, salary classification, promotion, transfer, and termination.[3]

Sine felt the AAP of the county attorney's office failed to analyze:

- specific responsibility for implementation of the plan;
- the concentration of women in clerical, library, and allied services;
- a need for a review of personnel policies for compliance with sex discrimination guidelines;
- applicant flow data;
- a need for target dates for recruitment of law school graduates outside of the State.[4] (See appendix B for the county attorney's response to Sine's concerns.)

The Advisory Committee learned that the Salt Lake County sheriff's department, in developing its departmental affirmative action plan, had completed a work force analysis that listed each job title (including supervisors ranked according to pay) and a classification of major positions held by minorities and women. This work force profile was used to conduct a utilization analysis. The county sheriff's department does not explain whether minorities or women are currently underutilized nor does it make a profile comparison of the total number of women, including minority women, in its work force.[5] (See appendix A for the sheriff's current recruitment commitments.)

Notes

1. *Affirmative Action and Equal Employment*, p. 13.
2. Sine review, "Salt Lake City Affirmative Action Plan," Jan. 27, 1975.
3. Ibid.
4. Ibid.
5. Ibid.

7. Conclusions, Findings, and Recommendations

According to the U.S. Department of Justice, an adequate equal employment opportunity program must include a plan of action which assures that minorities and women have both equal opportunity for employment and equal working conditions. Federal regulations and guidelines spell out specific requirements with which agencies must comply.[1] Utilizing the EEO concept and Federal guidelines as criteria, the Utah Advisory Committee concludes that all of the five criminal justice agencies it investigated in Salt Lake City and County are deficient in providing equal employment opportunity for minorities and women.

EEO problems are not confined only to Salt Lake City and County. Dr. Thomas Harry Kemp, in a study submitted to the Utah Office of Equal Employment Opportunity in 1976, found pervasive resistance to compliance with Federal EEO guidelines by other Utah government agencies. He also showed that key State administrators did not support EEO in a positive and overt fashion and that compliance "was simply a paper exercise of writing Affirmative Action Plans."[2] Kemp further pointed out that Utah government officials demonstrated a lack of knowledge and awareness of the intent of EEO requirements and of employee rights under Federal EEO laws and that employees showed ambivalence and a lack of understanding of their rights. Women and minorities, the study pointed out, were underutilized and underemployed.[3]

The Utah Advisory Committee's investigation further documented and confirmed this dismal picture for Salt Lake City and County, and it agrees with Kemp that:

> for public agencies to make any meaningful strides toward [positive] change, strategies of EEO/AAP implementation will need to be based on a mixture of involuntary compliance and re-education of employees about their rights and responsibilities under EEO law. Forced and sanctioned compliance may produce overt (behavioral) support for programs under EEO. A re-education of employees will produce an attitudinal proclivity to maintain such support and facilitate lasting change based on an internalization of motives to accept EEO as an improvement.[4]

Analysis of questionnaires administered by the Utah Advisory Committee resulted in the conclusion that in all five criminal justice agencies studied:

> (1) no outreach and recruitment programs appear[ed] to be in operation; (2) no strong recruitment program through public agencies and employment offices [has been] exercised; (3) no consistency of examination processes [was] apparent; (4) selection and appointment processes [were] carried out on a coincidental basis only....
>
> [Therefore, in the agencies studied] affirmative action [has not worked] on a consistent or on a widely communicated basis....[5]

Based on its investigation of the five Salt Lake City and County agencies, the Utah Advisory Committee to the U.S. Commission on Civil Rights makes the following specific findings and recommendations concerning the employment of minorities and women.

Finding

The three employment merit systems used by Salt Lake City and County in the personnel, police, and fire departments are recognized by personnel administrators interviewed in this study to be ineffective. The three systems are duplicative, cumbersome, and wasteful, tend to impede a uniform implementation of affirmative action, and make it difficult to assess the utilization of minorities and women.

Recommendation

The Utah State Leigslature should revise the present personnel system to create a uniform merit system applicable to the personnel, police, and fire departments in both Salt Lake City and County. Central to the uniform merit system should be an accurate statistical analysis of employment by ethnicity, race, and sex (together with a review of

all practices involving transfers, training, and promotion) to identify and eliminate any possible disparate treatment or effect.

Finding

The Utah Advisory Committee originally received three different sets of statistics that disagreed with regard to the number of minorities and women employed in the Salt Lake City Police Department. However, all of them showed that minorities and women were not employed in any upper-level administrative positions and were poorly represented on the department staff in general. Current statistics still reflect this situation.

Recommendation

The Salt Lake City Police Department should maintain accurate statistics on its employees with categories indicating sex, ethnicity, and position. The LEAA and the UCCJ, in conjunction with the board of city commissioners, should conduct a review of the hiring practices and affirmative action plan of the department to assure that they comply with Federal equal employment opportunity guidelines. If the police department is found to be in noncompliance, the development of an acceptable program should be a condition for the receipt of any further Federal funds.

Finding

Minorities and women employed by the Salt Lake City Police Department are all in low-level positions. It could not be ascertained whether or not the test for internal promotion has been validated. Employment selection procedures utilize an examination that has been validated, but selection procedures contain other subjective criteria that may have a discriminatory effect.

Recommendation

The LEAA and the UCCJ, in conjunction with the board of city commissioners, should review the selection and promotion procedures of the Salt Lake City Police Department to assure their compliance with Federal guidelines. The examination for promotion and selection criteria utilized by the department should be validated to assure that such criteria and standards are job related and permit implementation of affirmative action designed to assure equal employment and promotion opportunities for minorities and women.

Finding

Blacks and Native Americans were not employed at any level in the Salt Lake City court system, although there is now a black employed as a training aide. All women employees are relegated to the lower paying, nondecisionmaking positions. Subjective criteria that may have a discriminatory effect on minorities and women have been used to determine the suitability of job applicants.

Recommendation

The LEAA and the UCCJ, in conjunction with the board of city commissioners, should conduct a review of the Salt Lake City court system's employment and promotion procedures and its affirmative action plan to determine their compliance with Federal guidelines. If the city court is found to be in noncompliance, the development of acceptable procedures should be a condition for the receipt of any further Federal funds. Timetables and goals should be established for placing a representative number of minorities and women in job categories where they are not currently included.

Finding

Most of the minorities employed by the Salt Lake County sheriff's office are concentrated at the paraprofessional level and the majority of the clerical positions are held by women. Professional and administrative positions are held almost entirely by white males.

Recommendation

The LEAA and the UCCJ, in conjunction with the board of county commissioners, should conduct a review of the Salt Lake County sheriff's office selection and promotion procedures and of its affirmative action plan to assure compliance with Federal guidelines. The affirmative action plan should clearly specify goals and timetables for the employment of minorities and women in professional and administrative positions. Compliance with LEAA guidelines should be a condition for the receipt of Federal funds.

Finding

In 1975, of 42 employees in the Salt Lake County court services department, none were

Asian Americans or Native Americans. Most women employees held low-level positions such as clerk-typist and stenographer. As of 1977, a Native American female held a supervisory position.

Recommendation

The LEAA and the UCCJ, in conjunction with the board of county commissioners, should conduct a review of hiring and promotion practices and the affirmative action plan of the Salt Lake County court services department to assure that they comply with Federal equal employment opportunity guidelines. If the department is found to be in noncompliance, the development of an acceptable program should be a condition for the receipt of any further Federal funds.

Finding

At the time of the Committee's investigation the Salt Lake County attorney's office employed no black, Native American, or Hispanic lawyers.

Recommendation

The LEAA and the UCCJ, in conjunction with the board of county commissioners, should conduct a review of hiring practices and the affirmative action plan of the Salt Lake County attorney's office to assure that they comply with Federal equal employment opportunity guidelines. If found to be in noncompliance, the development of an acceptable program should be a condition for the receipt of any further Federal funds. Contact should be made with the two law schools in the State to recruit minority law students and an effort should be made by the county personnel department to recruit minority persons from out of State.

Finding

Employees of the five Salt Lake City and County criminal justice agencies covered by this study demonstrated little awareness of the concept of equal employment opportunity. The agencies under study had made little effort to acquaint employees with the goals of their affirmative action programs and had demonstrated little awareness of the need for this to be done. Reorganization of the city personnel system has recently taken place, and steps toward the utilization of minorities and women have been initiated.

Recommendation

The city and county EEO offices, in coordination with UCCJ and LEAA, should carry out a program of education on the city and county levels which will guarantee that all employees are informed of their rights under the laws of equal employment opportunity.

Notes

1. U.S., Department of Justice, *Equal Employment Opportunity Program Development Manual* (July 1974), p. 3.

2. State Personnel Office, Office of Equal Employment Opportunity, *The Administration of Equal Employment Opportunity in Utah State Government: A Study in Organizational Change* (June 14, 1976), p. v.

3. Ibid.

4. Ibid.

5. Furr, *Status of Equal Employment Opportunity*, pp. 30–31.

Appendix A

Letter from Salt Lake County Sheriff

SHERIFF'S OFFICE

SALT LAKE COUNTY

13 FEB 197[illegible]

Metropolitan Hall of Justice
437 South Second East
Salt Lake City, Utah 84111

DELMAR "SWEDE" LARSON
SHERIFF

KENNETH HAMMON
CHIEF DEPUTY

February 10, 1978

Mr. William Levis, Regional Attorney
United States Commission on Civil Rights
Executive Tower, Suite 1700
1405 Curtis Street
Denver, Colorado 80202

Dear Mr. Levis:

Reference is made to your letter dated February 1, 1978, wherein you enclosed a portion of a report relative to this department submitted by the Utah Advisory Committee to the United States Commission on Civil Rights. This report was in relation to the affirmative action efforts of five criminal justice agencies in Salt Lake City and County.

You asked that we review the report and forward any comments to you before the whole report is finalized and released.

For your inforamtion, the portion relating to this office has been reviewed. Since the original data was [illegible]mpiled, there have been quite a number of changes relative to minorities in this office; therefore, an updated memorandum recording the statistical figures on minorities and women is attached. This memorandum also sets forth a description of our recruiting efforts and a statement regarding the utilization of women employed in the Salt Lake County Sheriff's Office.

Very truly yours,

Delmar L. Larson

Delmar L. Larson
Sheriff

DLL:jb

Encls.

STATISTICAL DATA

I. SWORN PERSONNEL - FULL TIME

297 Deputies

293 male
4 female
6 hispanic
1 oriental
286 caucasian

2.4% minority
1.4% female

II. NON SWORN PERSONNEL - FULL TIME

178 civilians

94 male
84 female
2 black
7 hispanic
2 native american
167 caucasian

6.2% minority
47.2% female

TOTAL FULLTIME PERSONNEL

3.8% minority
18.5% female

III. RESERVE DEPUTIES AND CROSSING GUARDS - PART TIME

172 personnel

135 male
37 female
4 hispanic
1 native american

2.9% minority
20.4% female

The Salt Lake County Sheriff's Office has accelerated and expanded it's recruiting efforts, attempting to encourage more minorities and women to take the entrance examination for deputy sheriff. During the past year we have had personnel visit and recruit students in all the major colleges in the state, attempting to recruit possible applicants from an area larger than that which we serve. Additionally, we have placed recruit posters and brochures in identified areas which are frequented by minority groups.

In anticipation of our next entrance examination for deputy sheriffs we are planning to invite all recruited applicants to attend various meetings to assist them in understanding test data and to encourage them to score as high as possible on the entrance examination.

The Sheriff's Department has also formed a "Sheriff's Assisting Youth Unit" (SAY) which is a juvenile crime prevention and recruiting program. This unit is involved in recruitment efforts in all high schools within our jurisdiction. We have one deputy assigned in each high school on a full time basis. These deputies are involved in "career days" activities and have provided students with information regarding requirements and qualifications for the position of deputy sheriff and instruction on the positive and negative aspects of a career in law enforcement. A vocational career class has been developed by the SAY Unit on a test basis at one high school in the County. This class is designed to recruit and familiarize young people who might be interested in law enforcement as a career. The students who have registered for the class are both male and female. A female deputy sheriff who is assigned to the SAY Unit is currently developing a curriculum for a class entitled "Women and A Career in Law Enforcement". The major emphasis of this Unit has been in two separate areas of Salt Lake County which have a substantially larger porportion of minorities.

During the 1976-77 school year unit deputies instructed 61% of all secondary students in the classroom setting. There are 44,537 students in the secondary level, of which 27,168 were instructed by unit deputies in the classroom. The student population included 156 native americans, 803 hispanics, and 69 blacks.

In response to the question regarding utilization of females in the Sheriff's Office, it is our opinion that women are fully utilized in the positions to which they are assigned. An example of this is the four female deputies, three of which are assigned to the patrol division and work side by side with male officers and the female deputy assigned to the juvenile division SAY Unit. Another example would be the females working in the Sheriff's Communication Center. In addition, the Sheriff's Office has replaced four male jail booking officers with females and has hired a female secretary for the jail administration section. Our experience with women in these positions has been very favorable.

Appendix B

Letter from Salt Lake County Attorney

R. PAUL VAN DAM, COUNTY ATTORNEY

GERALD H. KINGHORN, ASSISTANT COUNTY ATTORNEY

DONALD SAWAYA
CHIEF DEPUTY, CIVIL DIVISION

February 9, 1978

Mr. William Levis
Regional Attorney
U. S. Commission on Civil Rights
1405 Curtis Street - Suite 1700
Denver, Colorado 80202

Re: Preliminary Draft of the Utah Advisory Committee to the United States Commission on Civil Rights Report on Affirmative Action in Salt Lake's Criminal Justice Systems

Dear Mr. Levis:

Thank you for the opportunity to review and comment upon the above-referenced report prior to its finalization. I appreciate the time and effort put forth by the staff of the Commission's Rocky Mountain Regional Office on this project.

The Utah Advisory Committee has concentrated on what appears to be the negative aspects of the Salt Lake County affirmative action effort without commenting on the progress and accomplishments experienced by the County in striving for equal employment opportunity.

In order to update and correct the demographic and statistical data upon which the Utah Advisory Committee based its findings, page 2 of subject report should be reworked to reflect the following data:

1. Salt Lake County initiated an aggressive affirmative action program at the beginning of 1975. As of January 31, 1975, the County employed 2,479 regular and probationary merit employees.

OFFICE OF SALT LAKE COUNTY ATTORNEY · 151 EAST 2100 SOUTH, BUILDING #4, BOX 29 · SALT LAKE CITY, UTAH 84115 · (801) 487-8491

Thirty-one months later, at the end of August, 1977, the County had increased the number of its regular and probationary employees by 200, of which twenty-seven per cent (27%) were minorities. In that thirty-one month period of time, the County had raised its minority employee population from 4.8% (well below the 6.0% of the available minority work force in the Salt Lake Valley) to 6.4% of its regular work force. A chart depicting this graphic demonstration of affirmative action is attached hereto as Exhibit "A".

2. In the regulatory and legal services agencies that are the focus of subject report, there are currently 776 employees in those agencies, 4.3% are minority. Four are Blacks, two are Native American, six are Asian American, and twenty-two are Hispanic.

3. Although the total female employment of the County as a whole fell from 32.2% to 31.7% during the thirty-one month period reflected in Exhibit "A", the number of female applicants for positions with the County fell from 32.7% to 31.7%--or fully twice as much.

The balance of my com[illegible] are directed to pages 29 and 31 of the subject report dea[illegible]cally with this office.

The Salt Lake Coun[illegible] ffice, as of January 31, 1978, had 95 employees [illegible]rneys constituting 52% of the staff. Of the [illegible] ttorneys (including the undersigned ar[illegible]), this office employs four females (8 [illegible]erican (2 per cent).

It must be [illegible]or consideration as a deputy county att[illegible] is admission to practice law in the [illegible] membership imposes a fairly limited sour[illegible] female (approximately 7.5% of the Utah Bar membership) and minority (approximately 2% of the Utah Bar membership) attorney applicants from which to select the most qualified additions to our legal staff.

Our office recruiting and hiring policies are governed and controlled by the Salt Lake County Merit Service System Rules and Regulations. We are not allowed to select an applicant for a position in the office unless the applicant appears as one of the top three candidates on the register. Until such time as more minority and female attorney applicants and minority clerical applicants appear on the registers submitted to this office, our ratios will remain unchanged. It should also be

noted that in dealing with an office staff of only 95 employees, the employment or termination of a mere one or two minority employees would swing the ratio above or below the percentage of minorities existing in the civilian work force.

Addressing the comments of Patricia Sine with reference to this office's affirmative action plan for 1976-1977 which was updated on June 30, 1977, after Ms. Sine prepared her comments, I point out that:

1. In the revised plan-- and in accordance with the Salt Lake County Affirmative Action Task Force procedure--the departmental head is charged with the specific responsibility for implementation of this office's AAP, with the office EEO representative answerable to the undersigned for insuring that goals and timetables are followed as closely as possible.

2. A concentration of women in clerical, library, and allied services is hardly questionable when all of the applicants for those positions have been female.

3. The personnel policies have been reviewed for compliance with sex discrimination as well as other relevant federal guidelines and rules and regulations.

4. Applicant flow data is available at the Personnel Office located adjacent to the Civil Division of this office and it is analyzed by the EEO representative in preparing his recommendation for inclusion in this office's AAP.

5. Ms. Sine apparently believes that target dates for recruitments of law school graduates outside of the state are necessary. We respectfully disagree.

a. Our budget does not allow for out of state recruiting costs and all job announcements are sent from the County Personnel Office in accordance with Merit System policy.

b. Our local law schools are graduating more females and minorities every year, thereby increasing the number of applicants accordingly.

c. There are currently 50 applicants for every available attorney position.

d. We have historically recruited from this area and out of state recruiting would lessen the chances of local female and minority attorney applicants for employment with

this office.

In closing, it is my belief that the subject report failed to recognize the improvements the County's criminal justice system agencies have made--along with the County as a whole--in implementing and pursuing affirmative action in our employment practices.

Very truly yours,

R. Paul Van Dam

R. PAUL VAN DAM
Salt Lake County Attorney

RPVD/RDC/iy

REGULAR AND PROBATIONARY MERIT EMPLOYEES

	Jan. 31, 1975		Aug. 31, 1977	
Total	2479		2679	
Total Male	1680	67.8	1831	68.3
Total Female	799	32.2	848	31.7
White - Male	1598		1722	
Female	762		785	
Total	2360	95.2	2507	93.6
Black - Male	10		20	
Female	7		9	
Total	17	.7	29	1
Indian - Male	6		8	
Female	5		3	
Total	11	.4	11	.4
Oriental - Male	13		12	
Female	8		11	
Total	21	.8	23	.9
Spanish - Male	53		66	
Female	16		39	
Total	69	2.9	105	3.9
Other - Male	0		3	
Female	0		1	
Total	0		4	.2
Total Minority	118		172	
Percent Minority		4.8 %		6.4%